

**Mandate of the Independent expert on the promotion of a democratic and equitable international order**

Ref.: AL ROU 1/2025  
(Please use this reference in your reply)

13 January 2025

Excellency,

I have the honour to address you in my capacity as Independent expert on the promotion of a democratic and equitable international order, pursuant to Human Rights Council resolution 57/7.

In this connection, I would like to bring to the attention of your Excellency's Government some observations concerning Romania's Constitutional Court decision to nullify the first round of its 2024 presidential election on 6 December, citing substantial evidence of foreign interference that allegedly undermined the electoral process.

According to information received:

The Court's unanimous decision was based on article 146(f) of the Constitution, addressing the legality and correctness of presidential elections. The decision reportedly relied on declassified intelligence documents alleging a coordinated campaign to promote the leading candidate unfairly. According to these documents, social media platforms—including Telegram, Facebook, and particularly TikTok—were used to amplify the candidate's narrative and influence public opinion.

The leading candidate has reportedly called the decision to annul his first-round victory an "organised coup." His opponent in the presidential race also reportedly condemned the court's annulment, calling it "illegal, amoral and crushes the very essence of democracy." She maintained that the vote reflected the will of the people and was not fraudulent, even if it had been influenced.

Without wishing to prejudice the accuracy of the information received, I express great concern regarding the annulment of a presidential election's results that carries profound implications for several human rights standards, including the right to freedom of expression and the right to participate in public affairs. While States have a duty to prevent and address undue interference in electoral processes—including foreign interference—their actions must be rooted in transparent and credible evidence, as well as in compliance with the principles of procedural fairness and the rule of law.

The broader implications of this situation also raise questions about democratic backsliding. Democracy is rooted in two fundamental pillars: the rule of the majority and the protection of human rights, including economic, social, and cultural rights. Instances of "illiberal democracy", where elections occur without full respect for human rights, and "undemocratic liberalism", where economic and property rights are protected but the will of the people is marginalized, both threaten

the legitimacy of governance systems. This duality must be addressed to preserve the integrity of democratic institutions.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Beyond the information presented by Romania's intelligence services, was there any additional substantiated evidence of electoral violations that justified the annulment of the first-round election results?
2. Did the social media platforms allegedly involved in this case violate European Union content moderation rules, particularly under the Digital Services Act (DSA), and if so, in what specific ways?
3. Were any national regulations violated by these platforms? If yes, please provide details regarding the nature and scope of these violations.
4. Please explain why were the alleged violations considered significant enough to warrant nullifying the election results, particularly under the principle of proportionality? For example, is there evidence that hashtags or other forms of promotion associated with the leading candidate disproportionately overshadowed those of other candidates? What concrete evidence supports the claim that social media significantly influenced voter choices in this election?
5. Did the Court or any other national authority find specific evidence linking foreign interference or violations of national/international law to direct actions by another State? If so, why did these alleged actions impact only the presidential election and not the parliamentary elections?
6. Please explain why a new election date has not been set promptly following the annulment of the first-round results?

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of my highest consideration.

George Katrougalos

Independent expert on the promotion of a democratic and equitable international order

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the following provisions of international human rights law.

The right to participate in public affairs, enshrined in article 25 of the International Covenant on Civil and Political Rights (ICCPR), guarantees every citizen the right to vote and be elected through free and fair elections that reflect the genuine will of the people. The principle of electoral integrity is essential to democracy and must be safeguarded against undue interference. However, measures taken to ensure electoral fairness must also adhere to the principles of legality, necessity, proportionality, and non-discrimination, as emphasized by the Human Rights Committee's general comment No. 25 on article 25 of the ICCPR.

Furthermore, the role of social media in elections touches on critical human rights issues, including the right to freedom of expression (article 19 of the ICCPR) and the right to information. As articulated in the Human Rights Council's 2012 Resolution on the Promotion, Protection, and Enjoyment of Human Rights on the Internet, the same rights people enjoy offline must be protected online. Governments must strike a careful balance between ensuring electoral integrity and respecting individuals' freedom to exchange information and opinions, a cornerstone of democratic participation.

In this context, the growing influence of large social media platforms demands urgent attention to the risks of misinformation and manipulation. The Guiding Principles on Business and Human Rights place a responsibility on private entities, including digital platforms, to respect human rights in their operations, particularly where their services may affect democratic processes. Moreover, States have a duty to regulate platforms to prevent abuses without infringing on the right to freedom of expression.